THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21411 of 2005

Dated 30.09.2005

Between:

Central Institute of Library Sciences at Government

Boys High School. Chadraghat (OLD) Abids road, Hyderabad,

rep by Director M.A. Majeed Khan

..... PETITIONER

AND

1 The District Educational Officer Ajanta Gate, Exhibition Ground:

MJ Road, Hyderabad and others

….. **RESPONDENTS**

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21411 of 2005

ORAL ORDER:

The petitioner, which is a private agency, was provided accommodation at a Government Boys High School, Chaderghat (Old) Abids Road. The Municipal Corporation of Hyderabad, the 2nd respondent issued a notice dated 20.9.2005 under Section 456 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') pointing out that the building is in a ruinous condition and that it is likely to fall down at any point of time. Accordingly, it required the District Educational Officer, the 1st respondent to pull down the same. Acting on the said notice, the 1st respondent addressed a letter dated 21.9.2005 requiring the petitioner to vacate the said two

rooms within 24 hours. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The necessity for the 1st respondent to address the impugned letter arose on account of the fact that the 2nd respondent issued a notice under Section 456 of the Act. Irrespective of the nature of rights as between the petitioner and the 1st respondent, once a local authority has indicated that the building is in a dangerous condition, this Court cannot interfere with the action taken by the 1st respondent. The respondents have taken the measures only to ensure the safety of the inmates of the building. In fact it is the obligation of the respondents to ensure that there does not exist any threat to the inmates.

Learned counsel for the petitioner submits that the course being conducted by the petitioner would come to an end by 30.10.2005 and therefore seeks directions to enable the institution to complete the course.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that the petitioner shall be under an obligation to vacate the premises by 30.10.2005. Their continuance, in the meanwhile, shall be at their risk. After 30.10.2005, it shall be open to the respondents to take the proposed action.

The writ petition shall accordingly stand disposed of. No costs.

30..09..2005

Note:

Furnish CC in 3 days

(B/o)

msv